

### **REMARKS**

Claims 25, 26 and 28-56 are pending in the present application. Support for such claims can be found in the original claims and specification.

Applicants amended Claims 25, 28, 30, 38, and 41.

Applicants are submitting new Claims 52-56.

Applicants cancelled Claim 27 without prejudice. Claims 1-24 were previously cancelled without prejudice.

### **Restriction Requirement**

In Applicants' response of December 4, 2003, Applicants affirmed the provisional election of Group XII, their traversal of the restriction requirement and requested that such requirement be withdrawn. The January 12, 2004, Office Action does not state if the restriction requirement were withdrawn or made final. Applicants respectfully request that the examiner state if the restriction requirement were withdrawn or made final.

### **Rejections Under 35 U.S.C. § 112**

Claims 25-51 stand rejected under the first paragraph of 35 U.S.C. § 112. The January 12, 2004, Office Action contends that such claims are drawn to making a particle but do not contain a particle making step.

As Claim 27 was cancelled and Claims 25-26 and 28-56 either contain or depend from a claim that contains a particle making step, the aforementioned rejection has been obviated.

### **Rejections Under 35 U.S.C. § 103(a)**

Applicants note that, prior to the present amendment, Claims 25-51 were pending and that Claim 27 depended directly from Claim 25. The January 12, 2004, Office Action contends that Claims 25, 26, 32-37, 40, 47, 48 and 51 are obvious in view of USP 6,180,119 B1 to Boussouira et al.. Thus, Claims 27-31, 38, 39, 41-46, 49 and 50 have not been rejected under 35 U.S.C. § 103(a).

As Claim 27 was not rejected under 35 U.S.C. § 103(a), Applicants cancelled such claim and amended Claim 25 to contain the limitations of Claim 27. As amended, Claims 26, 28-40, and 44-51 all depend directly or indirectly from Claim 25. According to MPEP § 2143.03, if an

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independent claim is unobvious, then any claim depending therefrom is unobvious. Thus, Claims 26, 28-40, and 44-51 are patentable.

In addition to amending Claim 25, Applicants note that Claim 41 was not rejected under 35 U.S.C. § 103(a). Prior to the present amendment, Claim 41 depended from Claim 40 which depended from Claim 25. In the present response, Applicants amended Claim 41 such that Claim 41 is an independent claim that contains all the limitations of such claims. Thus, as amended Claim 41 is patentable. In addition, amended Claims 42, 43, and newly presented Claims 52-56 depend directly or indirectly from Claim 41. Thus, Claims 42, 43, and 52-56 are patentable.

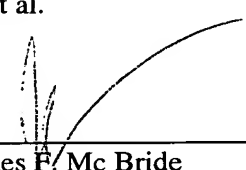
### Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 25, 26, and 28-56. If any outstanding issues exist, Applicants' attorney would welcome the opportunity to resolve such issues via a phone interview.

Respectfully submitted,

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